

Second, on ethics. Again, this Cabinet is not only challenged on their views so far away from what the average American believes, but it is the most unethical Cabinet I have ever seen nominated, at least in my lifetime.

Representative MULVANEY is unfortunately an example of a Cabinet member that is too far compromised by potential conflicts of interest and other ethics challenges. It has been disclosed that Representative MULVANEY neglected to pay \$15,000 in taxes on a household employee. A similar revelation sunk the nomination of a former Member and leader of this body, Senator Tom Daschle. Senator Daschle was relentlessly attacked by the Republican side on this issue. He withdrew his nomination. Representative MULVANEY hasn't withdrawn his nomination, and we haven't heard a peep out of the Republican side on the same—very similar—transgression that was disqualifying, at least to our Republicans, for Senator Daschle, nor has the nominee for Secretary of Labor withdrawn his nomination. He has a similar situation.

The fact that the Republican majority is proceeding on both of their nominations is a dangerous abandonment of public ethics.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Linda E. McMahon, of Connecticut, to be Administrator of the Small Business Administration.

The PRESIDING OFFICER. Under the previous order, the time until 11 a.m. will be equally divided in the usual form.

The minority whip.

NICS

Mr. DURBIN. Mr. President, later today we are going to consider an effort under the Congressional Review Act to change America's background check system when it comes to the purchase of firearms.

For months, I have been listening to President Trump and the Republicans talk about gun violence in the city of Chicago. It is a heartbreaking reality. More than 4,300 people were shot in Chicago last year and over 400 so far this year. It is not just Chicago. The American Medical Association has de-

clared that gun violence is a public health crisis in our Nation.

So what is Congress doing to save lives in Chicago and across the Nation from gun violence? What is the Senate doing to protect people from being shot? Nothing.

Instead, the Republican Congress is trying to weaken one of the gun laws on the books—the NICS Improvement Amendments Act. This is the law passed unanimously by Congress after the Virginia Tech massacre and signed into law in 2008 by President George W. Bush.

This law says that every Federal agency needs to let the FBI NICS background check system know when the agency has information about people who fall within the legal prohibitions on gun possession. Everyone agreed we needed to get these records into the NICS system, especially records about those who are seriously mentally unstable, such as the Virginia Tech shooter. That man had a history of mental illness, but he was able to buy guns and kill 32 people because his records were not in the background check system known as NICS.

There is a longstanding Federal prohibition on gun possession by those who are suffering from mental illness. This prohibition is so well established that the late Justice Antonin Scalia cited it in the Supreme Court's *Heller* decision as an example of a restriction that is presumptively lawful and consistent with the Second Amendment.

There have been tragic cases where people with serious mental illnesses have used guns to cause great harm. The Newtown, CT, shooter showed signs of severe mental health problems that went untreated before he killed 20 students and 6 educators at Sandy Hook Elementary School. The Tucson, AZ, shooter, who shot Congresswoman Gabby Giffords and killed six others, was diagnosed after the shooting with schizophrenia. And it was 9 years ago today when a gunman who had been diagnosed and treated for mental illness killed 5 people and injured 17 in a classroom building at Northern Illinois University in DeKalb.

About two-thirds of shooting deaths each year are suicides. Last year, there were more than 21,000 suicides by gun. The National Alliance on Mental Illness reports that "about 90% of individuals who die by suicide experience mental illness."

Mental illness is a challenging issue for our society. I have worked to expand treatment and coverage for mental illness, including through the Affordable Care Act, one of the most important single laws we have ever passed to address mental illness. I wish those who are trying to repeal this common-sense gun safety regulation would drop that effort and join us in stopping this repeal of the Affordable Care Act. We need more and better services for people with mental illness.

The reality is that the gun laws on the books are narrowly drawn when it

comes to mental illness and so is the rule we are being asked to repeal today. Current Federal law says that a person who has been "adjudicated as a mental defective" is prohibited from gun possession. The phrase "adjudicated as a mental defective" is defined in the law as a determination by "a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease: (1) is a danger to himself or others; or (2) lacks the mental capacity to contract or manage his own affairs."

The 2008 NICS Improvement law, signed into law by President George W. Bush, directed Federal agencies to send their relevant records to the NICS system. Last year, the Social Security Administration issued a rule to implement this law after concluding that certain determinations by the Social Security Administration qualify as an adjudication of mental defectiveness.

Let me explain what the SSA rule says. Under this rule, starting in December of this year, the Social Security Administration will begin sending to NICS—the body which gathers information and records for background checks before the possession of firearms—the name, date of birth, and Social Security number of people who meet each of the five threshold criteria. The person must be between the ages of 18 and 65, have filed a claim with SSA for benefits based on disability, have been diagnosed with a serious, long-term mental disorder, have been determined by SSA to be disabled and unable to perform substantial work because of the mental disorder, and have been subject to determination by the Social Security Administration that the mental disorder is so serious that the person needs to have a representative appointed to manage the person's benefits.

This is not a situation where the Social Security Administration would notify NICS just because a person can't balance his checkbook. There must be a seriously debilitating, medically diagnosed mental illness involved.

The rule is prospective only. Current Social Security disability beneficiaries are not subject to it. The rule is predicted to cover about 75,000 Americans, once it takes effect, out of the estimated 10 million suffering from a serious mental illness.

I might add here for the record, I do not suggest that every person who has any form of mental illness is a danger. In fact, exactly the opposite is true. But we do know that those who suffer from serious mental conditions many times are engaged in violent conduct and many times with horrible results when they have firearms.

The rule we are being asked to repeal on the floor of the Senate provides for advance notice of the Social Security Administration determination and the right to appeal through an administrative process and in court. A person can

obtain relief from the firearms prohibition by having healthcare providers and character witnesses submit statements that the person is not a danger to himself or others.

Every politician claims they want to keep deadly firearms out of the hands of those who are seriously mentally unstable. A statement made by a Republican Senator from Texas, Senator CORNYN, the senior Senator from Texas and my counterpart on the Republican side; he said in March 2013:

If there was a common thread in the Virginia Tech, Tucson, Aurora, and Newtown massacres, it was the mental illness of the shooter. . . . We should refocus our effort to make sure the current background check system works to screen out the dangerously mentally-ill.

Reasonable people can disagree over whether the SSA's rule gets it exactly right. There are mental health groups that have concerns about it, and I respect that. But using the Congressional Review Act is a blunt tool. Instead of fixing the rule, the Congressional Review Act would repeal the rule and—listen to this—permanently bar the Social Security Administration from adopting any substantially similar rule. So it likely would bar the Social Security Administration from ever implementing a rule to submit mental health records to NICS in the future.

If there are problems with this rule, they can be addressed by fixing it. But the Republican response is always repeal first. This time, they want to repeal a rule that doesn't start until December and its repeal would preclude the Social Security Administration from even fixing or positively changing it.

We also had disputes over the process the Department of Veterans Affairs used to submit names of people with mental illness to the same NICS background check system. Last December, we fixed it on a bipartisan basis. We passed language in the 21st Century Cures Act to ensure that a person can have his own doctor and lawyer involved in the process. If the Social Security Administration rule needs fixing, we can fix it too. But this Congressional Review Act is a sledgehammer, not a tool to fix it.

We are being asked to vote today to ban an agency permanently from complying with the NICS law that we enacted in 2008. We are being asked to undermine the gun laws that are on the books.

I urge my colleagues to listen to the opposition of this resolution of disapproval. Read the letter from the U.S. Conference of Mayors, who say that the Social Security Administration rule "is critically important to the fabric of our nation's background check system." Read the editorials in newspapers across the country that oppose repealing this rule.

Mr. President, I ask unanimous consent that the editorial from the Chicago Tribune be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Feb. 10, 2017]
EDITORIAL: GUNS AND MENTAL ILLNESS: DON'T SCRAP THIS RULE
(By Editorial Board)

If someone has a mental illness severe enough that he cannot work or manage his own money, should he be allowed to own a gun?

In the waning weeks of his presidency, Barack Obama answered that question. Motivated by Adam Lanza's bloody rampage at an elementary school in Newtown, Conn., that killed 20 children and six educators in 2012, Obama imposed a rule that barred gun ownership for people who qualify for Social Security disability insurance because their mental illness keeps them from working, and who cannot manage their benefits. That pool is small—just 75,000 Americans.

The GOP-led U.S. House just voted to scrap that rule. Bad move. The Senate now decides whether to back that bad move. If it does, President Trump would decide whether to go along or disagree.

Republican lawmakers hang their case on the argument that the rule stigmatizes people with disabilities as dangerous. "There are people who need help and seek help, but that is not a criteria for taking away one's constitutional right" to own a gun, Texas Rep. Pete Sessions said.

Sessions implicitly exaggerates the impact of the rule. As gun control measures go, the scope of this one is narrow. Its goal is to keep guns out of the hands of people on record as having a disabling mental disorder. The standard for taking that gun away is steep—they have to be on Social Security because their psychiatric disorder keeps them from working, and they cannot manage their own affairs. Both conditions must be met. Even if the rule keeps someone from owning a gun, that person can pursue an appeal.

America has seen what can happen when someone with severe psychiatric issues has access to firearms. Their names and crimes live in infamy:

In 2007, Seung Hui Cho shot to death 32 people at Virginia Tech University before killing himself. Two years earlier, a judge had deemed Cho an "imminent danger" because of mental illness and ordered him to seek treatment. But because he was never committed, that assessment never got recorded in the federal database of people ineligible to buy guns. Cho passed the background check and bought the guns he would wield at Virginia Tech.

In 2011, Jared Loughner shot U.S. Rep. Gabrielle Giffords in the head and murdered six other people in Tucson, Ark.

In 2012, James Holmes strode into a packed movie theater in Aurora, Colo., and opened fire, killing 12 people.

And there's Lanza, who went through months of hysterical crying, stretches of lethargy and self-imposed isolation from his family before unleashing terror at Sandy Hook Elementary School. "I didn't understand that Adam was drifting away," his father, Peter Lanza, told *The New Yorker* in 2014.

These crimes showcase the dangers in allowing severely troubled individuals to buy firearms. The rule the House voted to scrap doesn't cast so wide a net that it applies to anyone seeking psychiatric treatment. It's specific in scope, and anchored by a common-sense premise that many House Republicans ignored: If a person's psychiatric disorder is disabling enough that the individual cannot work or deal with money-managing, bright red flags are being raised about his or her capacity for sound judgment.

To us, that's a logical, well-grounded reason why he or she shouldn't own a gun.

Mr. DURBIN. We can also read editorials in the *St. Louis Post-Dispatch*,

the *Charlotte Observer*, the *New York Times*, and more.

Now listen specifically to the pleas of gunshot victims and their family members. Listen to Patrick Korellis, of Chicago, whom I have met. He was shot in a classroom 9 years ago at Northern Illinois University by a man who had a serious mental illness. He wrote to me and he said:

I was shot in my classroom by someone who was mentally ill, and was able to obtain guns and a lot of ammunition because the background checks weren't strong enough. Rolling back some of these background checks doesn't make any sense, and will allow more people to get through the loopholes.

Now listen to Janet Delana of Wellington, MO. She wrote to Congress:

My daughter Colby, a diagnosed paranoid schizophrenic who lived at home with her father and I, received monthly Social Security disability payments for her mental illness. In 2012 she used the money from her disability check to buy a gun at a local gun dealer. Because she was ill and suicidal, I had contacted the gun dealer and begged him not to sell her a gun. However, my pleas were ignored and the dealer sold her a gun anyway because Colby passed the background check. An hour later, she shot her father to death and tried once again to take her own life. She is now in an institution for life, and my husband is gone.

Janet said:

This SSA Rule is vital. I am very concerned this resolution would preclude SSA and possibly even other agencies from enacting any future regulations on this or related matters.

We have a public health crisis when it comes to gun violence—in Chicago and in communities across the Nation. We have a responsibility to do what we can on the Federal level to reduce the violence and protect our citizens from getting shot. Voting for this resolution of disapproval today would be a step backward. It would weaken the gun laws on the books and make it easier for severely mentally ill people to get guns. On this, the ninth anniversary of the shooting at Northern Illinois University in DeKalb, it is unthinkable that we are going to try to revoke a rule that would keep guns out of the hands of those who should have no business owning them.

Let me conclude with a statement from Bloomberg business magazine, published in an edition several weeks ago:

Advocates for the mentally ill caution that mental illness shouldn't be equated with a penchant for violence. They're right. But America's tragic experience with mentally ill gunmen—from shootings at Virginia Tech in 2007 to Newtown, Connecticut, in 2012—shows the folly of simply dismissing the danger.

In recent years Republicans have prioritized instant gratification for anyone who desires to buy a gun. Last year the National Rifle Association spent \$50 million on the campaigns of Donald Trump and six Republican senators. NRA leader Wayne LaPierre, who met with Trump this week, wants payback.

The Obama rule established a process for identifying only Social Security beneficiaries who would be prohibited from possessing guns under existing law. It required

that beneficiaries be notified of the prohibition, and it provided means to appeal the determination before an administrative law judge or a federal court.

Such provisions would safeguard individual rights. But they offend the fundamental principle that drives the NRA, and thus Republican, gun politics: Anyone should be able to get a gun at any time for any reason and bring that weapon, loaded, anywhere.

Common sense dictates that we be careful to keep guns out of the hands of those who would misuse them. I sincerely hope that gun owners across my State and across the Nation—and I respect them and their constitutional right—will understand that reasonable limitations on the possession and ownership of firearms is in the best interest of protecting their Second Amendment rights as well.

I yield the floor.

Mr. CARDIN. Mr. President, I would like to express my support for the nomination of Linda McMahon to the position of Administrator of the U.S. Small Business Administration.

Linda McMahon is an interesting candidate for this position. As the co-founder and former CEO of the WWE, she built a small regional business into an entertainment behemoth. Along the way she struggled to meet payroll, market the business, learn State and Federal regulatory regimes, manage a traveling workforce, learn new media platforms, and navigate new revenue streams.

Each of these accomplishments is impressive. But what makes Linda McMahon unique for this role is the fact that, on her path to success, she made serious enough mistakes that she was forced to declare personal bankruptcy and apply for government assistance. I think having an Administrator who has started her own small business and met and overcame significant challenges along her way is of tremendous value. Having been in the trenches herself, she will really be able to evaluate the efficacy of current small business programs, and she may very well be able to suggest substantive improvements or even new directions.

I was also particularly impressed with Mrs. McMahon's performance during her confirmation hearing. When she knew the answer to a question posed by a Senator, she answered it. When she didn't know the answer, she said so. She appeared to have an open mind about issues and struck me as sincerely interested in working on all issues with all of the Senators, regardless of political or geographical affiliations.

Linda McMahon has expressed her interest in helping small businesses thrive. She understands how difficult it can be for entrepreneurs to access capital. She knows that small businesses have a hard time competing for Federal contracts. She knows that small business owners sometimes need advice and guidance—and she believes in the value of training and support programs.

I support Linda McMahon's nomination because, not only is she interested

in having the job of Administrator, she appears to have genuine interest in doing the job. She clearly enjoys using her business skills and experience to mentor entrepreneurs, and I believe that she will apply her tenacity to protecting and hopefully improving Federal support systems for America's entrepreneurs.

Mr. VAN HOLLEN. Mr. President, Congress created the Small Business Administration in 1953 to "aid, counsel, assist and protect, insofar as is possible, the interests of small business concerns." The SBA now provides financial assistance, help with Federal contract procurement, and management assistance. The agency makes specialized outreach to women, minorities, and veterans. SBA also provides loans to victims of natural disasters and specialized advice and assistance in international trade.

The President has nominated Linda McMahon to run the SBA. Mrs. McMahon and her husband founded Titan Sports in 1980. The business grew dramatically under their leadership. Mrs. McMahon became president in 1993 and CEO of the company in 1997. The company became World Wrestling Entertainment and then simply WWE.

Unfortunately, the McMahons appear to have grown their business at least in part using business practices that disadvantaged their employees. The Connecticut Post and the Hartford Courant reported that WWE did not offer its wrestlers health insurance, as McMahon argued the company's wrestlers were independent contractors. And the Connecticut Post reported that Connecticut audited McMahon's company to determine if WWE improperly classified employees as independent contractors.

An investigation led by Representative Henry Waxman found that McMahon's WWE did not do enough to prevent steroid use. Representative Waxman's committee found that, at one point, 40 percent of WWE's wrestlers tested positive for steroids and other drugs, even after being warned in advance that they were going to be tested. A WWE "house doctor" was reportedly convicted and sentenced to prison for steroid trafficking. And the New York Daily News reported that an Albany district attorney probe into a widespread Internet doping scandal involved several WWE wrestlers.

And more than 50 former professional wrestlers sued McMahon's WWE, charging that the company was responsible for repeated head trauma that they suffered, often involving specific moves scripted and choreographed by WWE.

The SBA needs strong leadership to advance the interests of our Nation's hard-working small businesses, but it does not need a leader who will advance profits at workers' expense. Mrs. McMahon's business experience leads me to be concerned that she will not put people over profits, and thus, I must oppose the nomination.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent to speak on the Republican time for up to 10 minutes, with 5 minutes reserved for Senator RISCH, on the nomination of Linda McMahon to serve as Administrator of the Small Business Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, today, in just a few minutes, the Senate will be voting on the nomination of Linda McMahon to serve as Administrator of, I believe, one of the very important agencies within the Federal Government that sometimes doesn't get the recognition it deserves; that is, the Small Business Administration.

Before I begin my remarks, I wish to take a minute to acknowledge the good work of two previous SBA Administrators, Karen Mills and Maria Contreras-Sweet. Both served in this very important role during the Obama administration and, particularly during the financial crisis, really served as a lifeline for so many of our small businesses. So I thank these two leaders for their tireless work.

When I was first elected to the Senate in 2008, one of the reasons I joined the Small Business Committee was its reputation as a place where you could work across the aisle to get things done in a bipartisan way because supporting small businesses is not a Republican or a Democratic issue; it is an American issue.

That dynamic was on display at Mrs. McMahon's confirmation hearing, where not one but two of her former rivals introduced her. Senators BLUMENTHAL and MURPHY, both of whom ran very spirited campaigns against Ms. McMahon—and both of whom defeated her—actually testified to her passion for small business and her qualifications for this new responsibility. After the hearing, the Small Business Committee favorably reported her nomination to the Senate by a vote of 18 to 1. I thank my colleague Chairman RISCH for working with me during this process and ensuring that the nomination was thoroughly vetted.

While I have opposed a number of President Trump's nominees, I want to take a few minutes to explain why I will support Linda McMahon for this important position.

My home State of New Hampshire is a small business State. More than 96 percent of our employers are considered small businesses, according to the SBA's Office of Advocacy.

But small businesses aren't just important in New Hampshire. They are really the engine that drives our national economy. Small businesses create two out of every three new jobs in the United States. They are also leaders when it comes to innovation, producing 14 times more patents than large businesses.

Unfortunately, like so many of our larger businesses, many of our small businesses still have not fully recovered from the great recession. For our

economy to continue to improve, we need to level the playing field for small businesses and unleash their potential. That is why the SBA and its programs are so critical. Last year alone, the SBA backed more than 70,000 loans to small businesses, supporting \$29 billion in lending and nearly 700,000 jobs. The SBA also helped small businesses win more than \$90 billion in Federal contracts, provided counseling to more than 1 million entrepreneurs, and helped many small businesses reach foreign markets.

I was in the New Hampshire State Senate in the early nineties when we experienced a recession that closed five of the State's seven largest banks and put so many of our small businesses into bankruptcy. The one Federal agency that helped keep our small businesses going in New Hampshire during those very dark years was the SBA. I have seen very directly what a difference SBA makes to businesses in New Hampshire and across this country.

As part of the confirmation process, I was able to work with my colleagues on the Small Business Committee to look into Mrs. McMahon's background as a successful entrepreneur, as well as her vision for the SBA. I was pleased to learn that Mrs. McMahon shares my vision for a strong SBA that will support America's entrepreneurs. I was particularly pleased to learn, unlike some previous reports, that she opposes efforts to merge the SBA into another agency, so she does not believe it should be part of the Department of Commerce. Maintaining the SBA's independence and keeping the Administrator of the SBA as a Cabinet-level position is essential to ensuring that the voices of small businesses are heard in Washington.

We also need to make sure the SBA programs are valued in this administration. We have seen what can happen when SBA does not receive the respect it deserves from the White House. The George W. Bush administration cut the SBA's budget dramatically, by 32 percent—more than any other agency during those years. We can't afford to repeat that mistake. Entrepreneurs across this country, from rural communities to inner cities, rely on the SBA and its programs.

I could cite countless success stories, but let me just note one example I recently heard in New Hampshire from Julie Lapham, who is founder and chief sales officer of a startup in Dover, NH, called Popzup.

Popzup is a family-owned business that provides a new popcorn product for health-conscious consumers. Julie's inspiration for her business was her mother, who is diabetic and had started to eat popcorn every day because of the food's low glycemic index. Julie wanted to give her mother more options than the microwave popcorn you see in the grocery store, so she created a convenient product that doesn't use chemicals, plastic, or silicone. Her

company's popcorn is environmentally friendly and sourced from American farms that don't use GMO products.

As a startup, Julie faces a lot of challenges: getting funding to expand her business, keeping the books, figuring out how to market her products. Large companies have the resources to figure these things out, but Julie needs a level playing field to compete, and that is where the SBA and its resource partners come in.

Julie wrote:

We often feel vulnerable because we are self-funded and need to master all aspects of running our business; marketing, manufacture, selling, and accounting.

Julie has been working with advisers at the New Hampshire Small Business Development Center, SBDC. They operate in every State, and they are resource partners who provided counseling to Julie and also provide counseling to small businesses like Julie's across the country.

I don't think there is a week that goes by when we are not stopping by each other's offices, emailing, and talking on the phone. I can honestly state that we would not have a chance at success without their ongoing support and encouragement.

I am sure my colleagues in the Senate are aware of similar SBA success stories in their own States.

We all know this agency plays a vital role in our economy, but there is more that can be done. For our economy to thrive, we need to focus on ways to further strengthen the SBA so that it can increase opportunities for entrepreneurs to start new ventures and help existing small businesses grow. That is especially important in largely rural States like New Hampshire where it can be harder to get a loan or counseling. Entrepreneurs like Julie need a strong Administrator who understands the value of programs like the Small Business Development Centers. They need someone who will be their voice in Washington and bring out the best in the SBA. During the confirmation process, Mrs. McMahon pledged that she shares this view and wants to strengthen the role SBA plays in assisting our Nation's small businesses. In fact, she said she was passionate about small business.

For these reasons, I intend to support her confirmation today. I look forward to continuing to work with Chairman RISCCH as we support SBA in the coming years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

MR. RISCCH. Mr. President, first of all, let me say thank you to my friend and colleague, the ranking member of the Committee on Small Business and Entrepreneurship. We have worked together successfully on several projects, and I have no doubt that we will continue to work together to benefit small businesses and entrepreneurship here in America.

I rise today to support the nomination by President Trump of Linda

McMahon to head the Small Business Administration. Linda McMahon has strong bipartisan support, which is rare here in Washington, DC, these days. At the confirmation hearing, Mrs. McMahon was introduced by, endorsed by, and spoken well of by her two Connecticut Senators, Senator BLUMENTHAL and Senator MURPHY. Perhaps for the first time in history, we had a member of the opposite party supported by the two Senators from that State, from the other party. But most importantly, she had run against both of those people, so they had been adversaries previously, but they appeared before the committee to enthusiastically endorse her as the head of the SBA and as President Trump's appointee.

Senator BLUMENTHAL said: "She is an excellent fit for this agency based on her experience and her expertise as a business leader."

Senator MURPHY stated: "I will never question whether she has the experience and the determination necessary to lead this great agency."

These are strong endorsements by people of the other party for a person who has been nominated by President Trump.

This is an important agency. It is not a particularly large agency, but it certainly services one of the, if not the most important sector of our economy.

It is important to note that these two colleagues of ours came and supported Mrs. McMahon before the committee.

Those people who have been watching what is going on in this city since the election, particularly in regard to the appointment by President Trump of his Cabinet, as he has attempted to fill his Cabinet and seen the obstructionism that has taken place as he tries to fill that Cabinet, know that this city has become a caldron of anger, bitterness, and acrimony since the States came together and selected Donald Trump to be the President of these United States. So it is good for a bipartisan effort on one of these Cabinet members, and Linda McMahon is that person.

Linda McMahon is not a bureaucrat. She is about as far from that as you possibly can get. In 1982 she and her husband took over a small business and turned it into a family business and have operated it since 1982. Of particular importance was her description of how she and her husband got there and their struggles as they started with a small business that actually failed. I think her description of that and her feelings about that and how she and her family struggled with that built the character they needed to start the business they did in 1982. They took that business from 1982 from a small company, very few employees and family only, to what is now a publicly traded company with a global brand.

Mrs. McMahon has the experience in the small business world, from her struggles at the beginning and her

great success as she worked through making this business succeed, to actually understand what small businesses go through.

In meeting with her and discussing with her the importance of what we do on the Small Business Committee, I can tell you that she shares the passion that I have about what we can do with the Committee on Small Business and Entrepreneurship and, indeed, all committees in the U.S. Senate; that is, get the government out of the way while Americans attempt to build a business. She shares the passion that I have with reducing to a bare minimum the regulatory structure that has grown up in America today and is really stifling businesses at all levels but particularly businesses at the small end of the scale.

We all know that when the government enacts a regulation, which happens all too frequently—hourly, every day, several every day—and they are laid down in front of businesses, a large business really has substantially less difficulty dealing with those.

Large businesses will tell you that is the largest challenge they have today, the most significant challenge they have; that is, overcoming the barriers that are put in place by the government as they attempt to succeed and as they attempt to do business. When a regulation is laid down, a large business has an army and a fleet of lawyers and compliance officers and accountants who can work through these regulations. If you are a small business and you are fixing lawn mowers in your garage and you get a 30-page questionnaire from the government that has significant implications for what is going to happen to you, it is very burdensome and cuts deeply into the progress you are trying to make as a small business and provide for your family.

We have an operation within the Small Business Administration called the Office of Advocacy. The committee has attempted to grow and strengthen its independence. The purpose of the Office of Advocacy is to stand up whenever the government acts in a way that affects small businesses and say: Wait. Stop. Think about this. Look what you are doing and look how this is going to affect business—and particularly small business—in America, the regulations you are attempting to impose.

Linda McMahon shares my passion in that regard. I have every reason to believe she is going to assist in strengthening that particular division within the Small Business Administration.

Based upon her qualifications, based upon her view of small business and entrepreneurship, based upon her experience in small business and in growing small business, and based upon what I think perhaps is going to be one of the only bipartisan efforts we make to construct the Cabinet or assist the President in constructing his Cabinet, I strongly recommend and join my colleague the ranking member in urging

all Members of the Senate to support Linda McMahon in this effort and in her confirmation.

With that, Mr. President, I yield the floor.

I yield back all time.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the McMahon nomination?

Mr. RISCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 81, nays 19, as follows:

[Rollcall Vote No. 65 Ex.]

YEAS—81

Alexander	Feinstein	Menendez
Barrasso	Fischer	Moran
Bennet	Flake	Murkowski
Blumenthal	Franken	Murphy
Blunt	Gardner	Nelson
Boozman	Graham	Paul
Burr	Grassley	Perdue
Cantwell	Hassan	Peters
Capito	Hatch	Portman
Cardin	Heitkamp	Risch
Carper	Heller	Roberts
Casey	Hirono	Rounds
Cassidy	Hoeven	Rubio
Cochran	Inhofe	Sasse
Collins	Isakson	Scott
Coons	Johnson	Shaheen
Corker	Kaine	Shelby
Cornyn	Kennedy	Stabenow
Cortez Masto	King	Strange
Cotton	Klobuchar	Sullivan
Crapo	Lankford	Tester
Cruz	Leahy	Thune
Daines	Lee	Tillis
Donnelly	Manchin	Toomey
Duckworth	McCain	Warner
Enzi	McCaskill	Wicker
Ernst	McConnell	Young

NAYS—19

Baldwin	Markey	Udall
Booker	Merkley	Van Hollen
Brown	Murray	Warren
Durbin	Reed	Whitehouse
Gillibrand	Sanders	Wyden
Harris	Schatz	
Heinrich	Schumer	

The nomination was confirmed.

The PRESIDING OFFICER (Mr. FLAKE). Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SOCIAL SECURITY ADMINISTRATION—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to H.J. Res. 40.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to H.J. Res. 40, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SOCIAL SECURITY ADMINISTRATION

The PRESIDING OFFICER. The clerk will report the joint resolution.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 40) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, today I come to the floor to address my colleagues about the bipartisan resolution of disapproval that I introduced on January 30, along with Senator CRAPO and 24 other cosponsors. This resolution now has 32 cosponsors, and of course this resolution of disapproval is absolutely necessary.

The resolution of disapproval is a procedure, as we know, under the Congressional Review Act for repealing executive branch regulations. The regulation at issue here in this disapproval resolution was issued by the Social Security Administration under President Obama. This regulation unfairly stigmatizes people with disabilities. If the regulation is not repealed, it will allow the agency to very unfairly deprive Social Security recipients of their Second Amendment rights. The regulation would result in disability recipients being reported to the National Instant Criminal Background Check System as ineligible to own a firearm and, thus, have their Second Amendment rights violated.

This is essentially a national gun ban list. The agency accomplishes this by doing two things: determining if a person has a disorder on a vague "mental disorders" list, and, two, appointing a representative payee to manage benefit payments.

This process has been in place for years to merely assign a representative payee. That is merely someone who is authorized to deal with the bureaucracy on behalf of that Social Security recipient to help a recipient with their finances. Now it is being used to report beneficiaries to a list so that they cannot buy or own a gun. Of course, once on that list, individuals are prohibited, as I have already inferred, from purchasing, owning, and possessing firearms, thus violating Second Amendment rights.

The regulation is flawed beyond any kind of repair. It results in reporting